

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AUDREY ANDERSON,

Civil Action No.:  
2:21-cv-226

Plaintiff,

-against-

NOTICE OF REMOVAL

TARGET CORPORATION, FAE HOLDINGS  
463465R, LLC, FIRST AMERICAN EXCHANGE  
COMPANY, LLC f/k/a FAE HOLDINGS  
463465R, LLC and FIRST AMERICAN  
EXCHANGE COMPANY, LLC,

Suffolk County  
Index No.: 606019/2020

Defendants.

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TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK:

Defendant, TARGET CORPORATION ("Target"), i/s/h/a TARGET  
CORPORATION, FAE HOLDINGS 463465R, LLC, FIRST AMERICAN EXCHANGE  
COMPANY, LLC f/k/a FAE HOLDINGS 463465R, LLC and FIRST AMERICAN  
EXCHANGE COMPANY, LLC, by its attorneys, SIMMONS JANNACE DELUCA,  
LLP, Allison C. Leibowitz, of counsel, upon information and belief,  
respectfully petitions the Court, pursuant to 28 U.S.C. § 1441, as  
follows:

1. On May 28, 2020, the above-captioned civil action was  
commenced and is now pending in the Supreme Court of the State of  
New York, County of Suffolk. A trial has not yet been had therein.  
A copy of the Summons and Complaint is annexed as **Exhibit "A"**.  
Target's Answer and Amended Answer are annexed as **Exhibit "B"**. A

copy of the Amended Complaint is annexed as **Exhibit "C"**. Target's Answer to the Amended Complaint is annexed hereto as **Exhibit "D."**

2. Plaintiff seeks monetary damages for injuries allegedly caused by Target's negligence.

3. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332.

4. There is complete diversity between Target and plaintiff in that: (a) plaintiff is a citizen of the State of New York; and (b) Target is now, and was at the time the action was commenced, incorporated pursuant to the laws of the State of Minnesota with its principal place of business in Minnesota.

5. Defendant, FAE HOLDINGS 463465R, LLC ("FAE"), did not exist on the date this action was commenced, and, therefore, had no citizenship. A copy of the certificate of merger, indicating FAE was merged out of existence as of January 26, 2016, with Target as the surviving entity, is annexed as **Exhibit "E"**. Moreover, defendant, First American Exchange Company, LLC has no relationship to the property and was fraudulently joined. Target is the sole fee owner of the property.

6. In addition, the amount in controversy exceeds \$75,000. This Notice of Removal is being filed within 30 days of receipt of plaintiff's Response to Combined Demands, dated December 29, 2020, wherein plaintiff claims damages in the sum of \$3 million.

7. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

8. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Suffolk, promptly after the filing of this Notice.

9. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

10. By filing this Notice of Removal, Target does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Suffolk, be removed therefrom to this Court.

Dated: Hauppauge, New York  
January 15, 2021

Simmons Jannace DeLuca, LLP

BY:   
Allison C. Leibowitz  
Attorneys for Defendant  
TARGET CORPORATION i/s/h/a TARGET  
CORPORATION, FAE HOLDINGS 463465R,  
LLC, FIRST AMERICAN EXCHANGE

COMPANY, LLC f/k/a FAE HOLDINGS  
463465R, LLC and FIRST AMERICAN  
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TO:

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